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Licensee.

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WHEREAS, the Licensee and the Boards have agreed to resolve this complaint in the manner set forth in this agreed-upon disposition pursuant to ARSD 20:62:06:05(2); and

WHEREAS, it is the intent of this agreed-upon disposition to provide for a settlement of the licensing issues presented by the Licensee's conduct in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. That the Boards have jurisdiction over the person of the Licensee and the subject matter of this Order.
2. The Boards assert that the Licensee, while working as a certified nurse midwife did not adequately follow out-of-hospital waiver guidelines by failing to refer prenatal condition for size/date discrepancy and for failure to provide adequate prenatal visits. Licensee neither admits nor denies the Boards assertions.
3. The Licensee recognizes that the matters complained of are of a nature that would constitute grounds for discipline of her license to practice as a certified nurse midwife in the State of South Dakota under SDCL § 36-9A-29.
4. That the Licensee understands that she has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding the allegations in the pending complaint and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Boards and to appeal the Boards' decision to the circuit court and state Supreme Court as provided by law.

5. By entering into this agreed-upon disposition with the Boards, the Licensee hereby knowingly and voluntarily waives the above rights.

6. The Licensee has been given the opportunity to discuss this stipulation with an attorney of Licensee's choice and is aware of her rights as outlined above. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this stipulation voluntarily and without duress or compulsion.

Based upon the foregoing acknowledgements, the Boards and the Licensee hereby agree that this pending complaint will be resolved as follows:

**LETTER OF REPRIMAND WITH REMEDIATION**

That as of the date of this stipulation, the Boards, according to the disciplinary procedures outlined in ARSD 20:62:06 issues this Letter of Reprimand. In addition, the Boards require you to complete the following remediation modules:

1. Antepartum Testing & Prenatal Diagnosis  
[http://www.nccwebsite.org/Self-Assessment/  
WB1613AntepartumTestingPrenatalDiagnosis.aspx](http://www.nccwebsite.org/Self-Assessment/WB1613AntepartumTestingPrenatalDiagnosis.aspx)
2. Maternal Risk Factors  
[http://www.nccwebsite.org/Self-Assessment/  
GH216MaternalRiskFactors.aspx](http://www.nccwebsite.org/Self-Assessment/GH216MaternalRiskFactors.aspx)

Licensee is responsible for purchasing and completing the above-referenced modules and returning evidence of completion to the Board of Nursing office no later than sixty (60) days from the approval of this agreement by the Boards.

Agreed Upon Disposition and Waiver of Hearing  
Licensee: Rose Marie Hoiten, CNM

The South Dakota Board of Nursing met on the 22<sup>nd</sup> day of April, 2016,  
and approved the terms and conditions of this Letter of Reprimand with Remediation by a vote  
of 8 - 0 and issued its Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition and Waiver of  
Hearing is adopted as shown herein by the South Dakota Board of Nursing this 14<sup>th</sup> day of  
June, 2016.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard  
Gloria Damgaard, Executive Director

Agreed Upon Disposition and Waiver of Hearing  
Licensee: Rose Marie Holten, CNM

The South Dakota Board of Medical and Osteopathic Examiners met on the 8<sup>th</sup> day of September, 2016, and approved the terms and conditions of this Letter of Reprimand and issued its Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition and Waiver of Hearing is adopted as shown herein by the South Dakota Board of Medical and Osteopathic Examiners this 8 day of September, 2016.

SOUTH DAKOTA BOARD OF MEDICAL &  
OSTEOPATHIC EXAMINERS

Matt O. Carlson MD  
Board President



The National Certification Corporation  
676 N. Michigan Ave, Suite 3600  
Chicago, IL 60611  
**Certificate of Completion**

**WB1613 Antepartum Testing and Prenatal Diagnosis**

**Rose Marie Hoiten**

ID: 980272781

License #CM000046 State of SD

has successfully completed the offering listed and has been awarded 5 contact hours on 8/16/2016.

Nurses: Provider approved by the California Board of Registered Nursing, Provider # 15157, for 5 CNE hours. Physicians and other healthcare providers - approved for 5 NCC Continuing Education hours for use in the NCC Maintenance Program.

A handwritten signature in cursive script, reading "Suzanne Staebler".

Suzanne L. Staebler, DNP, APRN, NNP-BC, FAANP  
NCC President



The National Certification Corporation  
676 N. Michigan Ave, Suite 3600  
Chicago, IL 60611  
**Certificate of Completion**

**GH0216 Maternal Risk Factors**

**Rose Marie Hoiten**

ID: 980272781

License #CM000046 State of SD

has successfully completed the offering listed and has been awarded 2 contact hours on 8/15/2016.

Nurses: Provider approved by the California Board of Registered Nursing, Provider # 15157, for 2 CNE hours. Physicians and other healthcare providers - approved for 2 NCC Continuing Education hours for use in the NCC Maintenance Program.

A handwritten signature in cursive script that reads "Suzanne Staebler".

Suzanne L. Staebler, DNP, APRN, NNP-BC, FAANP  
NCC President



SOUTH DAKOTA BOARD OF NURSING  
SOUTH DAKOTA DEPARTMENT OF HEALTH  
4305 S. LOUISE AVENUE SUITE 201  
SIOUX FALLS, SD 57106-3115  
(605) 362-2760 ♦ FAX: 362-2768

June 2, 2016

Rose Marie Hoiten  
44674 256th Street  
Montrose, SD 57048

Dear Ms. Hoiten:

This letter follows our telephone conversation of May 31, 2016. The South Dakota Board of Nursing met on April 21, 2016, and recommended, based upon the complaint received, that the Board issue you a Letter of Reprimand with Remediation. The Board offers this disciplinary action as a proposed Agreed Upon Disposition that, if you agree, will be forwarded on to the South Dakota Board of Medical and Osteopathic Examiners for their concurrence with the Agreed Upon Disposition as a final action.

Please read through the proposed Agreed Upon Disposition and Waiver of Hearing document enclosed. If you agree, please sign and return to me in the envelope provided within ten (10) days, or by June 17, 2016. If not, please advise and we can set a hearing on the matter.

Let me know if you have any questions. Thank you.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Kristine K. O'Connell  
Attorney for the South Dakota Board of Nursing  
Phone: (605) 336-3890

Enclosure

cc: Francie Miller (w/enc.)  
Linda Young (w/enc.)